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February 2, 2000

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GROUP 3600

Time:

TO: Assistant Commissioner for
Patents
Attn: Examiner D. Taylor
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231

FROM: James A. Larson

OUR REF.: 3616.20USC3
TELEPHONE: 612.336.4708

Total pages, including cover letter: 4

PTO FAX NUMBER 1-703-305-7687

If you do NOT receive all of the pages, please telephone us at 612.336.4708, or fax us at 612.332.9081.

Title of Document Transmitted:

COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE

Applicant: WOOLFORD ET AL.
Serial No.: 09/160,916
Filed: SEPTEMBER 25, 1998
Group Art Unit: 3672
Our Ref. No.: 3616.20USC3

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

By: James A. Larson
Name: James A. Larson
Reg. No.: 40,443

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

James A. Larson
Signature James A. Larson
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WOOLFORD ET AL.	Examiner:	D. TAYLOR
Serial No.:	09/160,916	Group Art Unit:	3672
Filed:	SEPTEMBER 25, 1998	Docket:	3616.20USC3
Notice of Allow. Date:	JANUARY 14, 2000	Batch No.:	N/A
Due Date:	N/A		
Title:	COMPOSITE MASONRY BLOCK		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 1/28, 2000.

By: Cecil Schmidt

Cecil C. Schmidt

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
☒ Other: Comments on Statement of Reasons for Allowance
☒ Return postcard

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Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

ANCHOR WALL SYSTEMS, INC.
5959 Baker Road, Suite 390, Minnetonka, MN 55345
(612) 933-8855

By: Cecil Schmidt

Name: Cecil C. Schmidt
Reg. No.: 20,566

(PTO TRANSMITTAL - GENERAL)

S/N 09/160,916

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WOOLFORD ET AL.	Examiner:	D. TAYLOR
Serial No.:	09/160,916	Group Art Unit:	3672
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By: *Cecil Schmidt*
Name:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

Official

FFR 02 2000

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The Examiner has issued a "Notice of Allowability" dated 14 January 2000.

The following remarks are presented for purposes of clarification with regard to the "Reasons for Allowance" as set for in the Notice of Allowability, noting that there is more than one Keystone brochure of record.

These remarks are being submitted with the consent of and at the request of Examiner Taylor pursuant to a telephone call with Applicants' attorney, Mr. Schmidt, on 20 January 2000.

The Keystone brochure referred to in the "Reasons for Allowance" is not the brochure which bears the copyright office date stamp of "June 27, 1988" which is referred to in the earlier Office Action, but is the undated brochure which was attached to the "Statutory Declaration of Al Pfannestein dated August 28, 1998" filed in connection with the Australian litigation between

Keystone and Anchor Wall Systems. The brochures describe different products and there is no clear evidence of any date of "publication" of this latter, undated brochure.

The issue of the undated brochure and various related allegations of its purported author (Keystone) have previously been discussed with the Examiner in the prosecution of the parent case (see, for example, the Information Disclosure Statement dated November 12, 1997 filed in connection with Serial Number 08/921,481 filed September 2, 1997) and in the Deposition transcripts of record. Applicants' attorney confirms that this undated brochure has never been proven to be "prior art" that would require Applicants to swear behind it.

The related litigation in the US and in Australia involving Anchor Wall Systems, Inc. (the assignee of the present case) and Keystone (and their respective licensees), was settled by agreement of the parties without trial.

Any questions concerning this correspondence should be directed to the attention of the undersigned.

Respectfully submitted,

ANCHOR WALL SYSTEMS, INC.

5959 Baker Road
Suite 390
Minnetonka, MN 55345
612/979-8403

Date: 1.28.2000



Cecil C. Schmidt
Senior Vice President
Reg. No. 20,566